

REMARKS

1. Applicant thanks the Office for its observations and remarks, which greatly assisted Applicant in responding.

2. **CLAIM OBJECTIONS**

Claim 11 is objected to because it appears to have omitted a word. Applicant amends Claim 11 to supply the missing word. Support for the amendment is found at least at Claim 22. The present objection is thus deemed satisfied.

3. **35 U.S.C. § 101**

Claims 15-19, 21-22 and 36-37 are rejected as being directed to non-statutory subject matter. The Office requests that Applicant amend Claim 36 to describe a "non-transitory computer product, the computer program product comprising a tangible medium" Applicant respectfully declines. Because a "tangible medium" is already "non-transitory", express recitation of the term is unnecessary. Furthermore, express recitation of the term would constitute a redundancy, thereby rendering the Claim indefinite and leading to a risk that the Claim could be invalidated in future proceedings.

4. **35 U.S.C. § 102**

"A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1989)." "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimus verbis* test, i.e. identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)." MPEP § 2131.

Claims 34-35, 7, 10, 36-37, 18, 21, 38-39, 29 and 32 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,134,432 ("Holmes"). Claims 34, 36 and 38: The Office relies on Holmes, col. 5, lines 2-15 as teaching "transmitting the message with the included [reserved] temporarily associated routing codes to the mobile device." Applicant respectfully disagrees. While the citation describes transmission of a message to a mobile device with a temporarily-assigned routing code, the routing code assigned is not from a plurality of reserved routing codes. Rather, as described at col. 5, ll. 4-5, "the gateway may create a new, temporary and unique reply MSISDN associated with the reply address" (emphasis added). Thus, it appears that, each time a sender sends a message to a mobile device, the gateway, rather than assigning a routing code from a plurality of routing codes reserved for the purpose, creates a reply MSISDN anew. The present rejection is therefore deemed improper.

Applicant notes the Office's unusual interpretation of the reference teachings in the last paragraph on page 10 of the present Action - that Holmes teaches "the gateway creating a new, temporary and unique reply MSISDN number associated with the reply address pool of available temporary MSISDN numbers. . . ". First, as Applicant has already explained, there is absolutely no support in the reference for the interpretation that the Office posits. In addition, the Office's interpretation of the reference has resulted in a position that is internally inconsistent and therefore nonsensical - that a new and unique reply MSISDN number can be associated with a reply address from a pool of numbers that are temporarily assigned. Because the numbers are recycled and reassigned over and over again, it is thus impossible to associate a new and unique reply MSISDN number with a reply address.

In view of the foregoing, the present rejection of Claims 34, 36 and 38 is deemed improper. The same Claims are therefore deemed allowable over Holmes under 35 U.S.C. § 102. In view of their dependence from allowable parent Claims, the dependent Claims are deemed allowable without any separate consideration of their merits.

In spite of the foregoing, in the interest of advancing prosecution of the Application, Claims 34, 36 and 38 are amended to incorporate the subject matter of Claim 5, 16 and 27, respectively, with the latter Claims being cancelled from the Application. In view of the incorporation of novel subject matter into the independent Claims, even if the present rejection were proper, it would be overcome by the present amendment. Therefore, the Claims are deemed allowable under 35 U.S.C. § 102.

5. 35 U.S.C. § 103

Claims 4-6, 15-17 and 26-28 are rejected as being unpatentable over Holmes in view of U.S. patent no. 6,430,604. Applicant notes that Ogle's only contribution to the combination is an "instant messaging system." Accordingly, the greater share of Applicant's remarks below is a continuation of its remarks above regarding Holmes.

Claim 5: The Office relies on Holmes, col. 5, ll. 30-33 as teaching or suggesting "capturing said user's personal identifier by said instant messaging system." Applicant respectfully disagrees. The citation describes the assignment of individual client ID's by a LAN administrator. The instant messaging system is not involved in any way in the assignment of the client IDs.

The Office relies on Holmes, col. 5, ll. 33-36 as teaching or suggesting "[temporarily] assigning a routing code to said sender's personal identifier by said instant messaging system." Applicant notes that, by virtue of its dependence from Claim 35, Claim 5 implicitly includes the element "temporarily assigning . . .".

Holmes describes:

"For corporate LAN e-mail systems, number map addressing requires a permanent MSISDN number be setup for each individual client 121 configured on the system 120. The system administrator for the system 120 assigns an additional 2 to 4 digit default ID that is tagged onto the permanent MSISDN when messages are sent. These number ranges are used to identify the destination client 121 to receive the message. Only a portion of the overall number is used--the remainder is used by the client 121 to identify the individual user within the client mail system 120. For example, if the

Gateway client ID prefix is "642100200", and the client mail user default ID is "01", then the full originating address would be "6410020001"--this address is what would be used to reply to messages, and to originate mobile phone based messages to the client mail system." Col. 5, ll. 30-45

Accordingly, there is no teaching or suggestion in Holmes of "temporarily assigning a routing code to said sender's personal identifier by said instant messaging system." Each user is permanently assigned an MDISDN number that includes an MSISDN prefix for the system 120 and an additional default ID for each individual user 121, assigned by the LAN administrator. In the above example, the system administrator permanently assigns the MSISDN 6410020001 to the respective user, which is the number to be used to direct messages to the user from a wireless system. Ogle adds nothing to Holmes, merely describing that users can register various alternative means of communicating with them in addition to their IM accounts. There is, therefore, no teaching or suggestion in the combination of "temporarily assigning a routing code to said sender's personal identifier by said instant messaging system".

The foregoing remarks apply equally to Claims 16 and 27. Claims 5, 16 and 27 are therefore deemed allowable under 35 U.S.C. § 103. In view of the incorporation of the subject matter of Claims 5, 16 and 27 into Claims 34, 36 and 38, respectively, the latter Claims are also deemed allowable under 35 U.S.C. § 103. In view of their dependence from allowable parent Claims, the dependent Claims are deemed allowable without any separate consideration of their merits.

Claims 9, 20 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Holmes in view of MPEP § 2144. 06. Applicant thanks the Office for having included references that are alleged show what is well known in the art. Applicant notes that the Office has failed to point out specific teachings from the reference that are alleged to render the Claimed subject matter obvious. Nonetheless, in view of the foregoing amendment to the independent Claims, the present rejection is deemed overcome.

Claims 11, 22 and 33 are rejected as being unpatentable over Holmes in view of U.S. patent no. 6,947,396 ("Salmi") and further in view of MPEP § 2144.

06. Applicant respectfully disagrees. In view of the foregoing, the present rejection is deemed improper/overcome.

Additional features found in either the independent Claims or the dependent claims are not further discussed because the features discussed above are sufficient to distinguish the Claims from the reference teachings.

The foregoing amendments are made solely for the sake of expediency, in the interest of advancing prosecution of the Application. The same do not indicate Applicant's agreement with the Office's position, nor do they reflect intent to forsake claim scope. In fact, Applicant expressly reserves the right to pursue patent protection of a scope it reasonably believes it is entitled to in future submissions to the Office.

For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

CONCLUSION

In view of the foregoing, the Application is deemed in allowable condition. Accordingly, Applicant respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner have any questions regarding the Application, he is invited to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,

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